UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

QUICKEN LOANS INC,

Respondent

and Case No. 28-CA-146517

AUSTIN LAFF, an Individual

Charging Party /

RESPONDENT'S EMERGENCY REQUEST FOR SPECIAL PERMISSION TO APPEAL THE ORDER DENYING MOTION TO POSTPONE HEARING; AND EXPEDITED RULING ON THE APPEAL OF THAT ORDER

I. INTRODUCTION

Respondent Quicken Loans Inc.'s ("Quicken Loans" or the "Company") Detroit-based, NLRB experienced trial counsel in this case sustained a stress fracture to his left hip in late June, 2015 that prevented him from attending the hearing originally scheduled for July 14, 2015 in Phoenix, Arizona. Consequently, Quicken Loans filed a motion and obtained a 30-day postponement of the hearing date. The hearing is currently scheduled for August 18. After the July 6, 2015 postponement order was issued, Quicken Loans' counsel's doctors discovered some potentially serious medical problems, separate from and in addition to the hip fracture, that have significantly impacted and continue to impact his work schedule. Those medical issues now prevent Quicken Loans' counsel from appearing at the hearing in Phoenix on August 18. As a result, Quicken Loans filed another motion to postpone the hearing on July 27, 2015, which was denied by the Regional Director for Region 28 on July 30, 2015. It then filed that motion with

Associate Chief Administrative Law Judge Etchingham, who denied it on August 3, 2015.[1] Quicken Loans will be prejudiced by not having its trial counsel available because of his medical condition. The time is otherwise too short to have replacement counsel meaningfully prepare. Quicken Loans seeks special permission to appeal the denial of its motion to postpone the hearing. Should permission be granted, it requests that the Board grant this appeal and grant a 45-day adjournment of the August 18 hearing date for the reasons set forth in this emergency request. Under the circumstances, Quicken Loans requests that this matter be considered on emergency and expedited basis.

II. BACKGROUND

Charging Party Austin Laff ("Charging Party") was terminated from Quicken Loans because he publically griped about Quicken Loans' clients in a damaging, profane manner. Specifically, he stated that he felt Quicken Loans' clients that had called him about their mortgage loan applications were "wasting" his "f***ing time" as he stood at the urinal in the public restroom available for use by the Company's clients. The Complaint alleges Quicken Loans discharged Charging Party for engaging in protected concerted conduct in violation of Section 8(a)(1) of the National Labor Relations Act ("NLRB" or "the Act"). (Exhibit 1, ¶ 5). In addition, the Complaint alleges that certain handbook rules, Charging Party's discharge letter and an email violate section 8(a)(1) of the Act. There are no allegations that anyone was disciplined as a result of any of those documents.

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[1] On July 30, 2015, Quicken Loans' counsel and counsel for the General Counsel had a conference call with assigned ALJ Lisa Thompson. During that call, Quicken Loans' counsel explained his medical situation and his ongoing medical complications including having seen an orthopedic oncologist earlier that day. ALJ Lisa Thompson directed Quicken Loans to file the motion with Associate Chief ALJ Etchingham.

Originally, this case was scheduled for a hearing on July 14, 2015, at 9:00 a.m. in the Hearing Room of the National Labor Relations Board, 2600 North Central Avenue, Suite 1400, Phoenix, Arizona.

On July 1, 2015, Respondent Quicken Loans' counsel filed a motion to adjourn the July 14 hearing. The basis for that motion was that counsel, who lives and works in Detroit, Michigan and who is solely responsible for representing Quicken Loans in this case, suffered a stress fracture to his left hip in late June, 2015. At the time, and continuing today, counsel was/is unable to stand, sit, bear weight, lift, or pull for extended periods of time, and was/is experiencing chronic pain.

On July 6, 2015, Associate Chief ALJ Gerald Etchingham issued an Order granting Quicken Loans' motion and postponed the hearing. (Exhibit 2). The hearing was rescheduled for August 18, 2015.

Following the July 6, 2015 Order, Quicken Loans' counsel continued to prepare for the hearing, anticipating the stress fracture would heal and allow him to try the case on August 18. When Quicken Loans filed its first motion to adjourn, its counsel was unaware of possible serious medical issues that were unrelated to his hip injury. Over the last several weeks, its counsel has treated with multiple doctors with a variety of specialists. Those newly discovered medical issues are potentially much more serious than existed at the time of the first request for an adjournment. More should be known in the coming weeks about the severity of the medical complications, and the time needed to recover. Quicken Loans' counsel's physician has indicated that he is unable to try the case on August 18. If necessary, a copy of counsel's treating physician's supporting note can be provided expeditiously under seal.

The additional medical complications have not only delayed the healing of the original stress fracture, but have caused significant disruptions to Quicken Loans' counsel's work schedule. Consequently, Quicken Loan's counsel has not been able to prepare replacement counsel for the hearing. Further, there are no other attorneys at Quicken Loans' counsel's firm with his experience at the NLRB, and he has otherwise prepared to try this case. A replacement attorney could not adequately prepare prior to the August 18 hearing which would result in severe prejudice to Quicken Loans.

On July 27, 2015, based on Quicken Loans' counsel's continuing medical complications, Quicken Loans filed its second motion to postpone the hearing rescheduled for August 18, 2015 for 45 days, which would have allowed for Quicken Loan's counsel's medical situation to hopefully improve or allow time for substitute counsel to adequately prepare. Charging Party filed no response to the motion to postpone.

On July 30, 2015, Regional Director Cornele A. Overstreet denied Quicken Loans' motion to postpone stating that "the rights of the Charging Party to have his case heard on the current trial dates outweighs any burden to Respondent to obtain alternative counsel, if needed." (Exhibit 3).

On July 31, 2015, Associate Chief ALJ Etchingham issued an order to show cause providing the parties until August 6, 2015 to show cause why Quicken Loans' motion to postpone should not be granted.

On the afternoon of August 3, 2015, GC filed its opposition to that motion. Charging Party has not filed any opposition.

On August 3, 2015, at 4:47 pm PDST/7:47 pm EDST, Associate Chief ALJ Etchingham issued an order denying Quicken Loans' second motion to postpone the hearing. (Exhibit 4). In

that order, Associate Chief ALJ Etchingham found that "good cause has not been shown by Respondent to warrant a second postponement of the hearing in this simple garden variety matter." He took "administrative notice that Respondent's counsel is from a large Midwest law firm" and "its membership in Interlaw that is large enough to staff the current case even without its injured lead counsel."[2]

III. SPECIAL PERMISSION SHOULD BE GRANTED TO APPEAL THE DENIAL OF QUICKEN LOANS' 2nd MOTION TO POSTPONE FOR A 45-DAY ADJOURNMENT AND THE HEARING SHOULD BE POSTPONED

Pursuant to Section 102.26 of the Rules and Regulations of the NLRB, Quicken Loans requests that it be granted special permission to appeal the Order. If special permission is granted, Quicken Loans requests that the Board reverse the Order, and grant the 45-day adjournment.

Associate Chief ALJ Etchingham abused his discretion by denying Quicken Loans' request for a brief adjournment of the trial date. Contrary to his Order, Quicken Loans showed good cause for the requested 45-day extension. Quicken Loans counsel is simultaneously recuperating from a stress fracture in his left hip, and dealing with other potentially serious medical complications. These factors have significantly disrupted counsel's work schedule, making him unable to attend the August 18 hearing or adequately prepare replacement counsel.

The Order relies on "administrative notice" of the size of Quicken Loans' counsel's law firm and its Interlaw membership. The Order reasons another attorney at the law firm "need only make this case a priority". Contrary to that conclusion, attorneys are not interchangeable. Being a partner in a large law firm does not mean someone can simply step in for trial counsel who has many years of experience practicing before the NLRB. Quicken Loans did not hire a

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[2] The Associate Chief Judge did not identify any substitute labor lawyer from that firm. (Exhibit 4).

law firm of "220 attorneys" who have a variety of non-NLRB specialties. Quicken Loans hired one specific attorney, who represented it throughout this entire case. He met with witnesses and strategized with Quicken Loans about how to try this case. He signed every document filed by Quicken Loans in this matter, dating back to the position statement, represented Quicken Loans on the teleconferences with the assigned Administrative Law Judges, and conducted all communication with counsel for the GC. Although he works at a firm with other attorneys, none of those attorneys have his many years of extensive NLRB practice experience, and none of them were hired by Quicken Loans to represent it in this matter. Indeed, almost all of those lawyers are business lawyers, for example real estate or corporate lawyers something the Associate ALJ's Internet administrative notice should have revealed. Quicken Loans will be unfairly prejudiced if it is required to find substitute counsel or another lawyer at its trial lawyers' law firm less than two weeks before the hearing.

The Order concludes that an adjournment "would further prejudice Charging Party."[3] As noted in the Order, Charging Party has filed no objection. Charging Party is 26 years old, was a fitness instructor before his short-term, 6-month employment with Quicken Loans, and, as GC has advised Quicken Loans' counsel, has found another job. Charging Party would not be prejudiced by a short, 45-day adjournment of the hearing in this matter. The Order expresses concerns about Charging Party having a "hearing on the merits", "obtaining a remedy" and "securing resolution". The hearing will occur even with the granting of a postponement. The outcome of this case will inevitably take time. GC has not contested that this case will result in a lengthy appellate process regardless of who prevails.

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[3] Curiously, the Order was issued before the August 6, 2015 show cause order deadline and did not even allow the Charging Party to submit his position. GC's opposition did not indicate Charging Party was opposing the postponement. Issuing the Order before that deadline alone was an abuse of discretion.

The order states that the second motion "has not set forth a new argument that could not have been made in the first motion." At the time the first motion was filed, counsel thought his medical problem was limited to the stress fracture to his left hip and anticipated trying the case on August 18th. Thereafter, there have been other serious medical developments which warrant granting another postponement.[4]

Counsel has represented Quicken Loans in every facet of this proceeding from its commencement, and in spite of the stress fracture to his hip and recent serious medical complications, he hopes to represent Quicken Loans at the new hearing date. That representation is Quicken Loans' preference. Additional time will allow that to happen or otherwise permit other experienced counsel to appear with adequate time to prepare. Charging Party would not be prejudiced by this brief postponement, whereas Quicken Loans would clearly be prejudiced by having to find replacement counsel less than two weeks before the hearing. Quicken Loans requests the 45-day adjournment so its chosen counsel can represent it at the hearing.

[4] It is ironic in the year of the 25th anniversary of the enactment of the Americans With Disabilities Act, that an accommodation has not been provided here. Administrative convenience should not outweigh prejudicing a party and depriving it of its chosen counsel or granting an act of basic decency.

For all the reasons set forth above, Quicken Loans requests special permission to appeal the Order, requests the Board to reverse the Order denying its motion to postpone and grant a 45-day adjournment of the August 18 hearing.

Respectfully submitted,

HONIGMAN MILLER SCHWARTZ AND COHN LLP
Attorneys for Quicken Loans Inc.

By: /s/ Russell S. Linden
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Dated: August 4, 2015

UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

REGION TWENTY EIGHT

QUICKEN LOANS, INC,

Respondent

and Case No. 28-CA-146517

AUSTIN LAFF, an Individual

Charging Party /

PROOF OF SERVICE

I, Russell S. Linden, counsel for Respondent Quicken Loans, Inc., do hereby certify that I have served the foregoing Respondent's Emergency Request For Special Permission To Appeal The Order Denying Motion To Postpone Hearing; And Expedited Ruling on the Appeal Of That Order and this Proof of Service, in Case No. 28-CA-146517, upon Austin Laff, 8021 E. Osborn Road, Scottsdale, AZ 85251-4876 by Federal Express Overnight, Cornele A. Overstreet, Regional Director for Region 28 and Fernando Anzaldua, Esq. by Federal Express and electronic mail on the 4th day of August, 2015.

/s/ Russell S. Linden
Russell S. Linden

EXHIBIT 1

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

QUICKEN LOANS, INC.

and Case 28-CA-146517

AUSTIN LAFF, an Individual

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Austin Laff, an Individual (Laff). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Quicken Loans, Inc. (Respondent) has violated the Act as described below.

1. (a) The charge in this proceeding was filed by Laff on February 17, 2015, and a copy was served on Respondent by U.S. mail on February 18, 2015.

(b) The first amended charge in this proceeding was filed by Laff on April 24, 2015, and a copy was served on Respondent by U.S. mail on April 27, 2015.

2. (a) At all material times, Respondent has been a corporation with an office and place of business in Scottsdale, Arizona (Respondent's facility), and has been engaged in providing mortgage loan services to the public.

(b) In conducting its operations during the 12-month period ending February 17, 2015, Respondent performed services valued in excess of $50,000 in States other than the State of Arizona.

(c) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7), of the Act.

3. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

Drew Glomski	-	Regional Vice President
Jordan Smith	-	Director of Mortgage Banking
Adam Swanson	-	Team Lead
Jorge Mendez	-	Executing Solution Consultant

4. (a) About February 11, 2015, Respondent's employee Laff engaged in concerted activities with other employees for the purposes of mutual aid protection, by discussing work conditions and client assignments.

(b) About February 11, 2015, Respondent, by sending an email to its employees, promulgated and since then has maintained the following rules:

(1) "Under no circumstance should we be discussing the pay we receive, in an area that a client or potential client could ever hear us. This goes with discussing specific clients, client profiles, credit, costs and rates that we have given to clients;"

(2) "Never, EVER should we be swearing in the bathroom, especially about clients;" and

(3) "Also, please refrain from stating that clients that call in are wasting your (*swear word*) time."

(c) About February 11, 2015, Respondent, by providing separation of employment documents to its former employees, promulgated and since then has maintained the following rules:

(1) "Your continuing obligation to keep secret all Proprietary/Confidential Information. This includes, but is not limited to, information relating to proprietary software, business methods, client information, employee information, financial information, or any other internal information about Quicken Loans;"

(2) "Your obligation to return all Company Property and Information and to delete any residual Information stored on any of your personal devices or other electronic storage means. Company Property and Information includes, but not limited to, computers, monitors, pagers, lists, reports, employee handbooks, manuals, business cards, diskettes or nay other Quicken Loans equipment or material;" and

(3) "Your continuing obligation to refrain from contacting or soliciting Quicken Loans' employees or clients, for any reason, even if you cultivated the clients while working here."

(d) About February 11, 2015, Respondent, by Drew Glomski, at Respondent's facility:

(1) interrogated its employees about their protected concerted activities; and

(2) created an impression among its employees that their concerted activities were under surveillance by Respondent.

(e) About August 2014, Respondent, by issuing an employee handbook, promulgated and since then has maintained the following rules:

(1) "Keep it confidential. What shouldn't you share? Non-public financial or operational information. This includes strategies, forecasts, communications that requires a disclaimer, and anything with a dollar figure attached to it (rates, programs, quotes, client information, salaries, etc.);"

(2) "Something wrong at QL? Don't take it online. Resolve work-related concerns by speaking directly with your team leader or Team Relations Specialist. They can Help!";

(3) "Something wrong online? Don't respond. Comments can hurt as well as help. Report disparaging comments about the QL Family of Companies or team members to your team leader, Team Relations Specialist, Public Relations or the Social Media team for a solution. For questions email SocialMedia@QuickenLoans.com;"

(4) Outside Communications

1. The Company's communications to the media and to people and entities outside the Company are very important. Unless specifically authorized in writing by the Company's Chief Executive Officer or Vice President of Corporate Communications, no team member is authorized to speak or provide written or email response or information to the media on the behalf of the Company. If the media or an outside person or entity (including a client or prospective client) contacts you requesting a comment or information, you should not provide such information, and should instead direct the call to a member of our Corporate Communications Team (which is part of the Marketing Team) and notify a member of the Public Relations Team immediately.

2. From time to time, team members may have access to private Company information, for example, information about financial performance, strategy, forecasts, etc. Such information is confidential, and may not be shared with people or entities outside of the Company – including members of the media;

(5) No Solicitations

1. To avoid disrupting business operations, solicitations, including unauthorized sales or collection of contributions for any purpose, are not permitted during working time or in work areas. The Company provides certain designated areas, like the Internal Classified on Rockworld, where team members may post certain types of announcements (for example, items for sale and upcoming events), provided that such announcements are not of a political or offensive nature and do not involve illegal activities. You may not post advertisements promoting products or services on which team members earn a profit, or advertisements promoting the products or services of third parties. Unauthorized posting and distribution of solicitation literature is prohibited on the Company's premises.

2. Persons not employed by the Company should not solicit team members or post or distribute literature on the Company's premises, unless specifically authorized by the Director of the Business Office and FOCUS Team."

(6) Appropriate Use of Voicemail, Email, Computers, Internet and Phones

1. The Company provides you with access to voicemail, computers, email, instant messaging, Internet and telephones at the Company's expense and for Company business. While occasional personal use of thee telecom and computer systems is permitted if it does not interfere with timely job performance, all communications, whether internal or external, and all use of the Company's equipment and the network, including Internet access, should be conducted in a professional manner. Team members may not use the Company's equipment, network or Internet access to engage in communications that are in violation of Company policy. The following are examples of inappropriate use of the Company's computer system: (1) transmitting or posting defamatory, obscene, offensive or harassing messages on a blog or any website; (2) copying or transmitting software or other information protected by copyright without a license; (3) accessing another team member's email without authorization; (4) downloading offensive material from the Internet; and (5) sending chain letters. . . .

5. Do not send mass emails to "All Company" without prior approval from Marketing, Human Resources or the CEO of the Company. . . .

7. Email signature lines may not reference any of the topics listed above. General and mortgage-related comments are acceptable; however, political and religious beliefs are unacceptable and are not work-related. Please keep such references out of work-related communication (including email signature lines, email and voicemails to fellow team members). . .

14. The IT Team views Internet/email activity on a daily basis, and can identify the sites visited by a team member at any time. Team members will be automatically identified if visiting an unauthorized site. The Company does monitor for inappropriate activity. Improper use of any electronic/phone systems may lead to disciplinary action up to and including termination;

(7) Inappropriate Usage

Using the Company Resources for abusive, unethical or inappropriate purposes will not be tolerated and may result in disciplinary action up to and including immediate termination of employment. Examples of inappropriate usage include, but are not limited to, the following: . . .

6. Making or posting indecent, offensive, discriminatory, harassing or disruptive remarks to forums, blogs, chat rooms or websites; . . .

16. Using Company Resources to engage in inappropriate acts that exhibit conduct that is not in the best interests of the Company, its clients or team members; . . .

18. Discussion of Sensitive information in halls, elevators, lobbies, lunchrooms, cafeterias, lavatories, parking lots, public areas or to those not intended to hear;

(8) English in the Workplace

The Company recognizes and promotes diversity in the workplace but also recognizes the need for consistency in the language spoken in the workplace. English should be used for all internal and external business-related communications (whether written or oral, formal or informal, and with co-workers, clients, vendors or otherwise). You may, of course, use languages other than English for non-work related and personal matters;

(9) Policy on Monitoring and Recording Communications

As part of the Company's continuous efforts to ensure that the quality of communications and client service is consistent with the Company's expectations, and complies with applicable guidelines, policies and laws, and for other businesses purposes, the Company's communication and information devices may be inspected, monitored and recorded by the Company without prior notice. Any Company information or data stored on a team member's personal computer (or any other non-Company device) remains the Company's property and is subject to inspection, monitoring and retrieval by the Company. Any personal information or data stored on a Company Communication and Information Device is the property of the Company. "Communication and information devices" means Company telecommunication devices, telephones, computers, computer networks, instant

messaging, voicemail, Internet, emails, pagers, fax machines, faxes, storage devices copiers, BlackBerry devises, PDAs, planners, laptop computers and the like. Company communication and information devices are to be used solely for the Company's business purposes.

(f) About February 11, 2015, Respondent discharged its employee Laff.

(g) Respondent engaged in the conduct described above in paragraphs 4(f), because Laff engaged in the conduct described above in paragraph 4(a), and to discourage employees from engaging in these or other concerted activities.

5. By the conduct described above in paragraph 4, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

6. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

As part of the remedy for the unfair labor practices alleged above in paragraph 4, the General Counsel seeks an order requiring that Respondent reimburse the discriminatee for all search-for-work and work-related expenses regardless of whether the discriminatee received interim earnings in excess of these expenses, or at all, during any given quarter, or during the overall backpay period. The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before May 14, 2015, or postmarked on or before**

May 13, 2015. Respondent should file the original copy of the answer with this office and should serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. To file electronically, go to www.nlrb.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. *If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office*. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on July 14, 2015 at 9:00 a.m. (local time), at the Hearing Room of the National Labor Relations Board, 2600 North Central Avenue, Suite 1400, Phoenix, Arizona, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated at Phoenix, Arizona, this 30th day of April 2015.

Cornele A. Overstreet, Regional Director

Attachment

FORM NLRB-4338
(6-90)

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 28-CA-147472

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements *will not be granted* unless good and sufficient grounds are shown *and* the following requirements are met:

(1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).

(2) Grounds must be set forth in *detail*;

(3) Alternative dates for any rescheduled hearing must be given;

(4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and

(5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Quicken Loans, Inc.
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Scottsdale, AZ 85260-1326

Mr. Austin Laff
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EXHIBIT 2

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SAN FRANCISCO DIVISION OF JUDGES

QUICKEN LOANS, INC.

and Case 28-CA-146517

AUSTIN LAFF, AN INDIVIDUAL

ORDER GRANTING FIRST MOTION TO POSTPONE 7/14/15 HEARING

Trial is currently set to commence in this matter on July 14, 2015, in Phoenix, Arizona.

On July 1, 2015, counsel for Respondent filed a Motion to postpone the July 14, 2015 hearing for a period of 30 days (the Motion), due to a recent stress fracture to counsel's left hip which, he represents prevents him from standing, sitting, bearing weight, lifting or pulling for extended periods of time due to chronic pain. Respondent proposes a date 30 days from July 14 but he says he is unavailable the weeks of August 24 and August 31, due to what I assume are other schedule conflicts. The Motion also provides that Respondent communicated its request to postpone the hearing to the General Counsel and the General Counsel does not object to a 30-day trial postponement.

Also on July 1, 2015, I issued an Order to Show Cause ("OSC") giving the parties until Noon today, to file any response to the Motion.

On July 2, 2015, the General Counsel filed its response to my OSC which confirms that the General Counsel, as noted in the Motion, does not oppose a 0-day postponement of the scheduled hearing. Counsel for the General Counsel, however, will be unavailable for hearing the week of August 3, 2015.

No other timely responses to my OSC have been filed by noon today.

I find that good cause exists to grant a postponement of the hearing, as this matter has not been postponed before and both the Respondent and the General Counsel do not object to a postponement of the hearing under the circumstances. An additional 30 days will give current counsel time to heal or new replacement counsel time to prepare for hearing. Under these special circumstances and based on the current status of the docket of the San Francisco Division of Judges as to available future hearing dates, the first open slot to reschedule the hearing does not occur until August 18, 2015, at the earliest.

ORDER

For the reasons stated above:

IT IS ORDERED that the Respondent's Motion to Postpone Hearing is **GRANTED** and the July 14, 2015 hearing shall be **POSTPONED** to a date ***on or after Tuesday, August 18, 2015*** as determined by the Region 28 Regional Director pursuant to the circumstances referenced herein.

IT IS FURTHER ORDERED that this matter is **REMANDED** to the Region 28 Regional Director for further handling consistent with this Order to set a new date, time, and location for hearing in this case.

Date: July 6, 2015, San Francisco, California.

Associate Chief
Administrative Law Judge

Served by facsimile upon the following:

For the General Counsel:
Fernando J. Anzaldua, Esq., R-28
Fax: (602)640-2178

For the Respondent:
Russell S. Linden, Esq.
Fax: (313)465-8000 (main);
(313)465-7467(direct)

EXHIBIT 3

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 28

QUICKEN LOANS, INC.

and Case 28-CA-146517

AUSTIN LAFF, an Individual

ORDER DENYING RESPONDENT'S REQUEST TO POSTPONE HEARING

On April 30, 2015, a Complaint and Notice of Hearing issued in the above matter scheduling a hearing to commence on July 14, 2015. On July 1, 2015, Respondent filed a motion requesting that the hearing be postponed for a period of 30 days. On July 6, 2015, Associate Chief Administrative Law Judge Etchingham granted Respondent's motion. On July 7, 2015, an order issued rescheduling the hearing to August 18, 2015.

On July 27, 2015, Respondent filed a second Motion to Postpone the Hearing Date for an additional 45 days. On the same date, Counsel for the General Counsel notified Respondent's counsel that it would oppose any further delay of the scheduled hearing date.

Respondent has failed to demonstrate why its counsel's medical concerns should take priority over the alleged discriminatee's efforts to obtain a remedy and secure resolution in this case. A postponement of an additional 45 days would further prejudice the Charging Party having its hearing on the merits. Additionally, when Associate Chief Administrative Law Judge Etchingham granted Respondent's first motion to postpone, he stated that "[a]n additional 30 days will give current counsel time to heal or new replacement counsel time to prepare for hearing." Respondent still has ample time to obtain alternative counsel for the scheduled hearing in this matter, if needed. Respondent has not shown that it

will suffer undue hardship by defending the unfair labor practice allegations on the scheduled hearing date. Given the seriousness of the charge and taking into account the first postponement of the hearing, I find that the rights of the Charging Party to have his case heard on the current trial date outweighs any burden to Respondent to obtain alternative counsel, if needed. Accordingly, good cause has not been shown to grant Respondent's second Motion to Postpone the Hearing Date, and, pursuant to Sec. 102.16 of the Board's Rules and Regulations, Respondent's second Motion to Postpone the Hearing Date is denied.

Dated at Phoenix, Arizona, this 30th day of July 2015.

/s/ Cornele A. Overstreet

Cornele A. Overstreet, Regional Director

EXHIBIT 4

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SAN FRANCISCO DIVISION OF JUDGES

QUICKEN LOANS, INC.

and **Case 28-CA-146517**

AUSTIN LAFF, AN INDIVIDUAL

ORDER DENYING RESPONDENT'S 2nd MOTION TO POSTPONE 8/18/15 HEARING

The charge in this case was filed on February 17, 2015, the complaint issued on April 30, 2015, and trial was initially set for July 14, 2015. Respondent filed its first request to postpone trial on July 1 arguing that its lead counsel had suffered a hip fracture and sought a 30 day trial postponement to recover which I granted on July 6, 2015 stating, amongst other things:

> An additional 30 days will give current counsel time to heal *or new replacement counsel time to prepare for hearing.* Under these special circumstances and based on the current status of the docket of the San Francisco Division of Judges as to available future hearing dates, the first open slot to reschedule the hearing does not occur until August 18, 2015, at the earliest.

(Etchingham 7/6/15 Order Granting 1st Postponement of Hearing)(Emphasis added.)

Trial is currently set to commence in this matter on August 18, 2015, in Phoenix, Arizona.

On July 27, 2015, Respondent filed a second motion to postpone with Region 28's Regional Director which was denied on July 30, 2015 the Regional Director finding that good cause for postponement has not been shown and:

> Respondent has failed to demonstrate why its counsel's medical concerns should take priority over the alleged discriminatee's efforts to obtain a remedy and secure resolution in this case. A postponement of an additional 45 days would further prejudice the Charging Party having its hearing on the merits. Additionally, when Associate Chief Administrative Law Judge Etchingham granted Respondent's first motion to postpone, he stated that "[a]n additional 30 days will give current counsel time to heal or new replacement counsel time to prepare for hearing." Respondent still has ample time to obtain alternative counsel for the scheduled hearing in this matter, if needed. Respondent has not shown that it will suffer undue hardship by defending the unfair labor practice allegations on the scheduled hearing date. Given the seriousness of the charge and taking into account the first postponement of the hearing, I find that the rights of the Charging Party to have his case heard on the current trial date outweighs any burden to Respondent to obtain alternative counsel, if needed.

On July 31, 2015, counsel for Respondent filed a second motion to postpone hearing to me (2nd Motion) arguing that "[s]ince the July 6, 2015 Order was issued, Respondent's counsel has continued to experience complications from the stress fracture to his left hip. Since then, it has also been discovered that Respondent's counsel may have additional potentially very serious medical problems. The nature and severity of those additional problems should be known after further medical examinations are conducted during the coming weeks. If necessary, counsel can provide further information on a confidential basis. After counsel's medical condition is determined, including the status of his hip being stabilized, Respondent will decide whether he can continue handling this case or another attorney will be necessitated to appear on behalf of Respondent." Respondent seeks a postponement of trial until on or after October 2, 2015.

Also on July 31, 2015, I issued an Order to Show Cause ("OSC") giving the parties until Noon on Thursday, August 6, 2015, to file any response to the Motion.

On August 3, 2015, the General Counsel filed its opposition to the 2nd Motion repeating the Regional Director's rationale for denying the motion to postpone on July 30 and adding that "Despite Respondent counsel's unfortunate medical concerns, Respondent has had ample opportunity to obtain alternative counsel for the scheduled hearing date – and still has time to do so now. Respondent's counsel has failed to demonstrate why another attorney from his large business law firm cannot be made available. A quick internet search uncovered over 220 attorneys that may be available from his firm's Detroit, Michigan, office alone. As Respondent's counsel contends in his Motion, this case merely presents an issue of an employee "griping in the public restroom" and some handbook rules – presumptively straightforward enough for Respondent's colleagues to be brought up to speed."

No other timely responses to my OSC were filed previously and the Charging Party did not weigh in on the motion to postpone filed with the Regional Director on July 27, 2015.

Having fully considered the pleadings and especially the Region 28 Regional Director's reasoning in denying the same second request for postponement of trial issued on July 30, 2015 and the opposition pleading put forth by the Counsel for the General Counsel, I find that good cause has not been shown by Respondent to warrant a second postponement of hearing and I deny Respondent's 2nd Motion to Postpone Hearing in this simple garden variety matter. Respondent was granted its first postponement request as of July 6, 2015, and should have begun trial prep since that time as Respondent's counsel was expressly told that if its lead counsel continued to be unable to physically defend the case, it should be prepared to have someone else at Respondent's counsel's firm prepare in place of its ailing lead counsel. Respondent in its 2nd Motion has not put forth any new argument that could not have made it into its initial Motion to Postpone Hearing and I take administrative notice that Respondent's counsel is from a large Midwest law firm of over 220 attorneys and that it "is a member of Interlaw, whose members are top tier independent law firms in 130 cities worldwide" that is large enough to staff the current case even without its injured lead counsel. It need only make this case a priority. Furthermore, based on the current status of the docket of the San Francisco Division of Judges as to available future hearing dates, the week suggested by Respondent, October 2 or the week of October 5 is unavailable. I also agree with the Region 28 Regional Director and further find that

"Respondent has failed to demonstrate why its counsel's medical concerns should take priority over the alleged discriminatee's efforts to obtain a remedy and secure resolution in this case. A postponement of an additional 45 days would further prejudice the Charging Party having its hearing on the merits." Consequently, I find that Respondent has not put forth good cause to justify yet another hearing postponement.

ORDER

For the reasons stated above:

IT IS ORDERED that Respondent's 2nd Motion to Postpone Hearing is **DENIED** and the hearing shall go forward as currently scheduled on August 18, 2015, at 9:00 a.m. at Region 28 in Phoenix, Arizona, and continues on successive days until conclusion.

Date: August 3, 2015, San Francisco, California.

Associate Chief
Administrative Law Judge

Served by facsimile upon the following:

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